

REMARKS

In the foregoing amendment, claims 16-20 are added. Now pending in the application are claims 1-20, of which claims 1-5 and 11-15 are withdrawn from further consideration. Claims 6 and 16 are independent and claims 7-10 and 17-20 depend from claims 6 and 16, respectively.

Double Patenting Rejection

Claims 6-10 are rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1, 15 and 16 of U.S. Patent No. 6,916,563. In response, Applicants submit herewith a terminal disclaimer in compliance with 37 C.F.R. 1.321(c) or 1.321(d). In light of the terminal disclaimer, Applicants request reconsideration and withdrawal of the rejection of claims 6-10.

Rejection of Claims 6-10 under 35 U.S.C. §102

Claims 6-10 are rejected under 35 U.S.C. §102(e) as being anticipated over U.S. Patent No. 6,916,563 ("Yamamoto"). Applicants respectfully traverse the rejection.

Applicants note that the cited Yamamoto reference has a U.S. filing date of October 23, 2002 and an issue date of July 12, 2005 while the present application has a U.S. filing date of July 16, 2003 and claims priority to Japanese patent application No. JP 2002-209746, which was filed on July 18, 2002. Applicants submit a verified translation of the Japanese application to rely upon the earlier filing date. As such, Applicants submit that the Yamamoto reference does not qualify as a prior art reference to reject the present application under 35 U.S.C. §102(e). Applicants therefore request that the Examiner reconsider and withdraw the rejection of claims 6-10 under 35 U.S.C. §102(e), and pass the claims to allowance.

New Claims

Claims 16-20 are added to recite a hydrogen purge control method and parallel apparatus claims 6-10. No new matter is added. In light of the arguments set forth above, Applicants

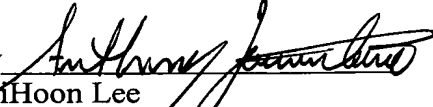
submit that new claims 16-20 recite patentably distinct subject matter and request that the Examiner pass the claims to allowance.

Conclusion

In view of the above amendment, applicant believes the pending application is in condition for allowance.

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Respectfully submitted,

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